

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Seiichi ONO
Application No.: 10/830,095
Filing Date: April 23, 2004
Confirmation No.: 7519

Group Art Unit: 2856
Examiner: John P. FITZGERALD
Attorney Docket No.: 8029/84010
Customer No.: 42798

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant responds to the June 27, 2007 Requirement for Restriction filed concurrently with a Petition for Extension of Time.

The Requirement set forth three groups, a, b, and c as below:

- a) claims 1-53;
- b) claims 53-56; and
- c) claims 57-60.

Applicant elects, with traverse, Group a) comprised of claims 1-53, at least, claims 1, 5 and 43 are generic.

The Requirement further provides that "Applicant must select from the following potentially distinct sub-species groups (one from each)," as set forth below:

- Figure 7; Figure 13; Figure 14; Figure 15
- Figure 12a, Figure 12b
- Pulse detection via infrared rays; Pulse detection via ultrasonic pulses;
- With or without a radio transmission unit
- With or without a[sic] image capturing unit

- With or without an adhesive pad (if main groups a) or b) are selected)

Applicant elects, with traverse, Fig. 7, pulse detection via infrared rays, with a radio transmission unit, without an image capturing means, and without an adhesive pad.

Applicant acknowledges the Examiner's courtesies in a telephone discussion last week. Applicant suggested the requirement for Figs. 12a and 12b merited reconsideration and revision to include FIGS. 6/7 as another option. Figure 12a shows the leak detection unit 421 having a plurality of photodiodes 403 and a plurality of phototransistors 404, and Figure 12b shows the leak detection unit 422 having a plurality of phototransistors 404 and a single photodiode 403. Fig. 6 and Fig. 7 show a leak detection unit 401 having a single photodiode 403 and single phototransistor 404. (Note paragraph [0041]). It was courteously submitted the Requirement should be amended to include Fig. 6/Fig. 7 (see specification, page 7, penultimate paragraph, as an example). The Examiner's careful consideration and agreement to accept Fig. 6/Fig.7 as an option for a leak detection unit is acknowledged with appreciation. FIGS. 6/7 are elected subject to transverse in lieu of Fig. 12 a and Fig. 12b.

Withdrawal of this Restriction is therefore courteously solicited. If not withdrawn, a commitment to re-join the other claims upon allowable elected subject matter is solicited.

Subject to the foregoing, the provisionally elected subject matter concerns claims 1-3, 13, 15, 17 and 21, with claim 1 being generic.

In reviewing the Information Disclosure Statement herein submitted concurrently with the application as filed, it was noted USP 4,647,218 is listed. It should be USP 4,647,281 as seen from the present specification page 2, second full paragraph from the top.

Applicant has submitted IDS's and described various other items in their application at page 2 in an effort to assist the Examiner and to reduce the search burden. It is respectfully suggested that all claims can and should be examined together.

An updated PTO/SB/08a form is enclosed as discussed with the Examiner.

Applicant courteously solicits favorable action on the merits.

Respectfully submitted,

Fitch, Even, Tabin & Flannery



Date: **August 27, 2007**

Kendrew H. Colton
Registration No. 30,368

OFFICIAL CORRESPONDENCE TO
Customer No. 42798

FITCH, EVEN, TABIN & FLANNERY
One Lafayette Centre
1120 20th Street, NW, Suite 750 South
Washington, DC 20036
Tel: (202) 419-7000
Fax: (202) 419-7007